

SERVICE DATE – JUNE 8, 2012

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 1088X**

**Jackson, Gordonville and Delta Railroad Company  
– Abandonment Exemption –  
In Cape Girardeau County, MO.**

**BACKGROUND**

In this proceeding, the Jackson, Gordonville and Delta Railroad Company (JGD Railroad) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 for JGD Railroad to abandon and discontinue service and trackage rights over approximately 13.3 miles of railroad located in Cape Girardeau County, Missouri. The portion of line proposed for abandonment extends from the City of Delta, Missouri at Milepost 149.4; then travels northwesterly through the City of Delta to the Town of Allenville, Missouri; then northeasterly and easterly to the Town of Dutchtown, Missouri; and finally northerly and northwesterly from the Town of Dutchtown to approximately 1,394 feet south of the centerline of Missouri Highway Z, near Gordonville, Missouri, at Milepost 157.9.<sup>1</sup>

The rail line proposed for abandonment travels predominantly through agricultural land consisting of open fields and woodland resources. The surrounding terrain is relatively flat and the railroad right-of-way is generally 50 feet wide. The rail line traverses U.S. Postal Service Zip Codes 63740, 63744, and 63752. JGD Railroad indicates that it does not own the rail line right-of-way in fee; therefore, if abandonment authority is granted, the land would revert to adjacent property owners. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

**ENVIRONMENTAL REVIEW**

JGD Railroad submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. JGD Railroad

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<sup>1</sup> According to JGD Railroad, the line from Delta to Allenville is approximately 2.4 track miles, and from Allenville to the northern terminus near Gordonville, approximately 10.9 track miles, yielding a total of approximately 13.3 miles of rail line proposed for abandonment.

served the environmental report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].<sup>2</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

JGD Railroad states that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

### ***Salvage Activities***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or if necessary, via construction of new access points to the right-of-way. JGD Railroad indicates that during salvage operations, it would remove all rail appurtenances, including 22 bridges and six at-grade crossings on the line, but would leave the roadbed and ballast intact and grade the right-of-way to a relatively smooth condition. JGD Railroad states that it would install bumpers or mounds along the top of stream banks as a safety measure after the bridges have been removed.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment. Abandonment of the rail line would also improve public safety through the elimination of six road crossings, three County and three State.

JGD Railroad does not anticipate any impacts on waterways, wetlands, or floodplain during salvage and OEA has not received any comments to date that are specific to these issues. However, the installation of the previously mentioned bumpers and mounds along the tops of stream banks may require prior authorization from the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act (33 U.S.C. §1344) for any discharges of dredged or fill materials into waters of the U.S., including wetlands. To ensure compliance with the Corps' regulations, OEA is recommending a condition that would require JGD Railroad to consult with the Corps prior to initiating salvage of the rail line, and that it comply with the Corps' reasonable requirements. In addition, this action may require prior authorization from the U.S. Environmental Protection Agency (EPA) under Section 402 of the Clean Water Act and/or the

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<sup>2</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 1088 (Sub-No. 0 X).

Missouri Department of Natural Resources, Water Protection Program (MODNR), for any stormwater discharges. Therefore, OEA is also recommending a condition that would require JGD Railroad to consult with EPA and MODNR prior to initiating salvage of the rail line, and that it comply with EPA's and MODNR's reasonable requirements.

The U.S. Department of Commerce, National Geodetic Survey (NGS) commented that two geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, OEA is recommending a condition that would require JGD Railroad to notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers in order to plan for the possible relocation of the geodetic station markers by NGS.

On November 23, 2011, JGD Railroad wrote a letter to Charles Scott, Field Supervisor for the Ecological Services Field Office of the U.S. Fish and Wildlife Service (USFWS) to determine if the proposed abandonment, specifically salvage operations, would have an adverse effect on the following three species of concern: the Least Tern (*Sterna antillarum*), the Pallid Sturgeon (*Scaphirhynchus albus*), or the Decurrent False Aster (*Boltonia decurrens*), pursuant to Section 7 of the Endangered Species Act. On December 2, 2011, Mr. Scott provided an informal response indicating that the agency had reviewed the proposed action and determined that no federally listed species, candidate species, or designated critical habitat occurs within the area of the proposed abandonment, and that the proposed abandonment would have negligible impacts on wetlands, migratory birds, fish, and wildlife resources. JGD Railroad has not yet submitted a copy of USFWS's response to the Board, therefore, OEA has added USFWS to the service list for this proceeding so that it may receive a copy of this EA for review and comment. OEA will include any conditions, if any, in the Final EA.

The Cape Girardeau County Commission commented that it concurs with the proposed abandonment.

The USFWS, Division of Realty, commented that it does not have any lands or interests in land in the area of the proposed abandonment and therefore, has no further comments to offer in this proceeding.

As previously mentioned, there are six at-grade road crossings that would be eliminated if the proposed abandonment were approved. JGD Railroad has indicated that it would place the six crossings in a condition that satisfies the requirements of the public authority having jurisdiction over that particular crossing. To ensure that this issue is adequately addressed, OEA has included the Missouri Department of Transportation in the service list for this proceeding so that it may receive a copy of the EA for review and comment. OEA will include any conditions, if any, in the Final EA.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to the following agencies for review and comment: USFWS; EPA, the Corps; the U.S. Natural Resources Conservation Service; the National Park Service; NGS; the U.S. Forest Service; the Missouri Department of

Transportation; the Missouri Public Service Commission; the Missouri Department of Natural Resources; and the Cape Girardeau County Commission.

## **HISTORIC REVIEW**

JGD Railroad served the Historic Report on the MODNR State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). As previously mentioned, there are 22 bridges on the line that may be 50 years old or older. JGD Railroad indicates that all but one of the bridges have been substantially repaired or rebuilt. The one exception is a 1650 foot steel span bridge that crosses one of eleven diversion channels in the area.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that no known historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. The SHPO has reviewed the proposed project and submitted comments stating that it concurs with the determination that the proposed abandonment would not affect historic properties. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify any federally recognized tribes that may have ancestral connections to the project.<sup>3</sup> The database indicated that there is one federally recognized tribe that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the Area of Potential Effect). The tribe is the Peoria Tribe of Indians of Oklahoma. OEA has added this tribe to the service list for this proceeding to ensure that it receives a copy of the EA for review and comment.

## **CONDITIONS**

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, the Jackson, Gordonville and Delta Railroad Company (JGD Railroad) shall consult with the U.S. Army Corps of Engineers (Corps) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.

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<sup>3</sup> Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited June 1, 2012).

2. Prior to commencement of any salvage activities, JGD Railroad shall consult with the U.S Environmental Protection Agency and the Missouri Department of Natural Resources Water Protection Program to ensure that any concerns in the right-of-way are addressed regarding erosion and sedimentation and wastewater discharges.
3. JGD Railroad shall consult with the U.S. Department of Commerce, National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation is imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1088X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at [woodd@stb.dot.gov](mailto:woodd@stb.dot.gov).

Date made available to the public: June 8, 2012.

**Comment due date: June 25, 2012.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment